

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

AMY ROWLAND and
DAVID ROWLAND,

Plaintiffs,

v.

CV 10-280 MCA/CG

FARMERS INSURANCE COMPANY OF ARIZONA,
MARK DWAYNE DORRIS, and CENTRAL MUTUAL
INSURANCE COMPANY,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court upon Defendant Farmers Insurance Company of Arizona's ('Farmers') *Motion to Bifurcate and Stay as to Farmers Insurance Company of Arizona Only* ('Motion') (Doc. 21), Plaintiffs' *Response to Bifurcate and Prohibit Discovery as to Farmers Insurance Company of Arizona* ('Response') (Doc. 28), and Farmers' *Reply to Plaintiffs' Response to Defendant Farmers Insurance Company of Arizona's Motion to Bifurcate and Stay as to Farmers Insurance Company fo Arizona Only* ('Reply') (Doc. 29). Plaintiffs do not oppose Farmers' request to bifurcate all claims against Farmers pending the resolution of Plaintiffs' claims against Defendant Mark Dwayne Dorris and Defendant Central Mutual Insurance Company. (See Doc. 28 at 1). This Court heard from the parties at a telephonic status conference on November 1, 2010, wherein the parties stated that Farmers' request for a stay of discovery was now moot since the parties had reached a stipulation as to the property damage suffered by the Plaintiffs. (See Doc. 62). Therefore, this Court, being fully advised in the premises, **RECOMMENDS** that

Farmers' *Motion to Bifurcate and Stay as to Farmers Insurance Company of Arizona Only*
be **GRANTED IN PART AND DENIED IN PART**.

IT IS THEREFORE RECOMMENDED THAT:

1. Farmers' motion to bifurcate be **GRANTED**. Plaintiffs' claims against Farmers Insurance Company of Arizona should be bifurcated from Plaintiffs' claims and causes of action against Defendant Mark Dwayne Dorris and Defendant Central Mutual Insurance Company.

2. Farmers' motion for a stay of discovery be **DENIED AS MOOT** since the parties have stipulated as to the amount of property damage suffered by Plaintiffs.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the fourteen day period if that party wants to have appellate review of the Proposed Findings and Recommended Disposition. If no objections are filed, no appellate review will be allowed.**



**THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE**